

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Public Advisory Committee Quarterly Meeting

Legislative/Governmental Affairs Update

Dana Robert Colarulli

Director, Office of Governmental Affairs

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Second Session 114th Congress

Patent Reform – Abusive Litigation Practices

- House and Senate bills differ but offer comprehensive reform and retain core litigation provisions
- Comprehensive bills are stalled pending resolution of BIO/PhRMA concerns re IPRs
- Alternative, limited reforms under discussion: Venue/Forum Shopping
- Administrative and Court actions continue to touch on some legislative proposals

Trade Secrets Enforcement Legislation

- *Defend Trade Secrets Act of 2016* - S. 1890 (Hatch and 65 cosponsors)
- Bill establishes federal private civil cause of action for the misappropriation of a trade secret
- Senate passed on 87-0 vote on 4/4/16; House passed on 410-2 vote on 4/27/16
- Statement of Administration strongly supported enactment
- Formally transmitted to the President on April 29.

Hearings – Second Session 114th Congress

“Counterfeits and Their Impact on Consumer Health and Safety”

- Senate Judiciary Committee – 4/27/16
- Testimony by DHS/ICE, USPTO and private sector witnesses
- USPTO testimony by former IP Attaché, Conrad Wong
- Impact of counterfeit goods and enforcement/educational efforts

“International Trade Commission Patent Litigation”

- House Judiciary, Subcommittee on Courts, Intellectual Property and the Internet – 4/14/16
- Testimony by ITC and private sector witnesses
- Abuse of Sec. 337 Proceedings by NPEs – Leverage toward settlements
- Exclusion orders vs. damages

“Examination of Changes to the U.S. Patent System and Impacts on America’s Small Businesses”

- Senate Committee on Small Business and Entrepreneurship – 2/25/16
- Testimony by private sector witnesses (including former Patent Commissioner Bob Stoll)
- General agreement that any legislative reform effort should be narrowly drawn to target abusive practices and not overly broad in a manner that may result in unintended consequences.

Other Issues – Second Session 114th Congress

Copyright Policy and Copyright Office Modernization

- House Judiciary Committee “Copyright Law Review”
- Various Proposals on Copyright Office Restructuring
- Ratification and Implementation of Beijing and Marrakesh Copyright Treaties
- Release of DOC White Paper on Remixes, First Sale, and Statutory Damages – 1/28/2016

Extension of Telework Enhancement Act Pilot Program (TEAPP) Authority

USPTO Regional Offices and State & Local Engagement

- Four Offices now open – significant interest from Congressional delegations in MI, TX, CO and CA
- Increased opportunities for outreach, education and recruiting
- Identifying other ways to engage Members to support/highlight other USPTO activities (*such as ProBono Lunches, STEM initiatives, etc.*)
- World IP Day events

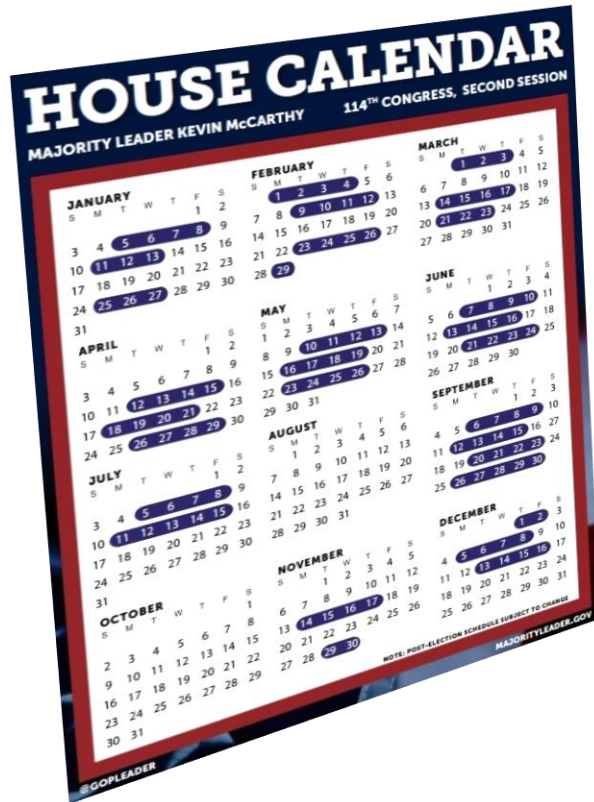


World IP Day 2016 on Capitol Hill



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Calendar Considerations for 2016



187 Days until the 2016
Presidential Election

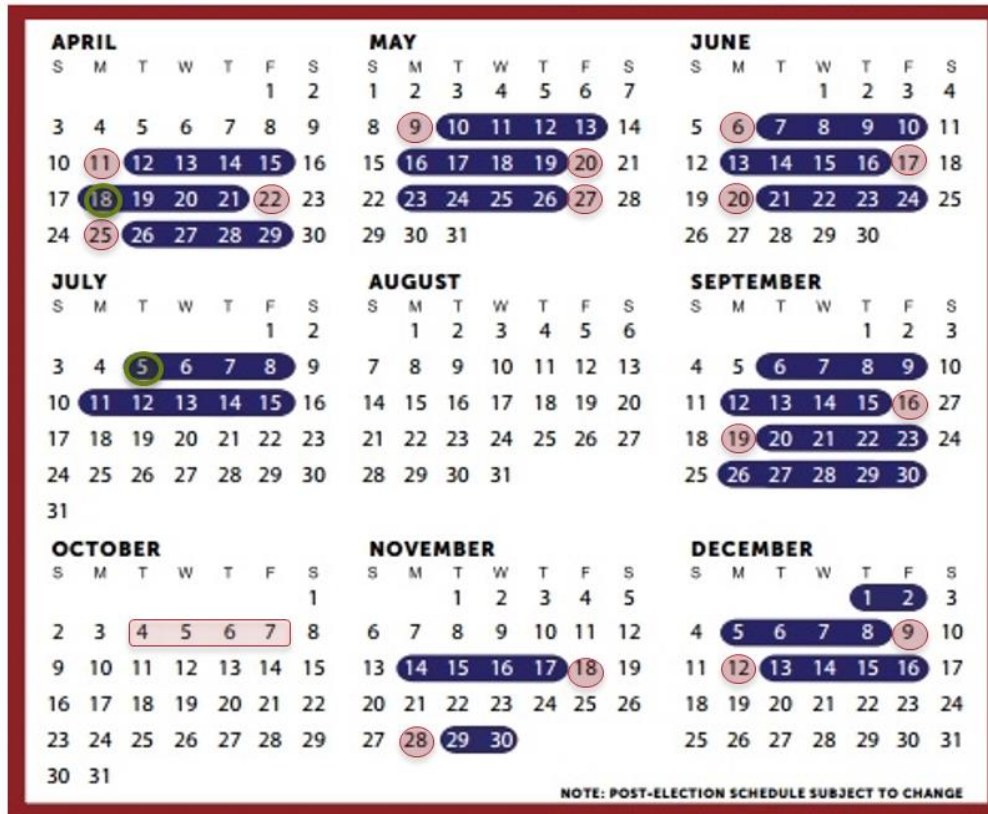
Republican National Convention

Cleveland, Ohio Quicken Loans Arena
July 18-21, 2016

Democratic National Convention

Philadelphia, PA
Wells Fargo Center and the
Pennsylvania Convention Center
Dates: Week of July 25th, 2016

Calendar Considerations for 2016



111 Days in session this year (House)

Senate slightly longer

- Both House in Session
- House Only
- Senate Only

Questions and Comments

Dana Robert Colarulli

Director, Office of Governmental Affairs

(571) 272-7300

Dana.Colarulli@USPTO.GOV

